

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. **0837RF-H562**

In Re Application of:

DAVID SEMBRITZKY, ET AL.

Serial No: **10/575,195**

Filed: **7 APRIL 2006**

For: **AXIAL SWAGE ALIGNMENT TOOL**

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Examiner: **SALONE, BAYAN**

Art Unit: **3726**

Confirmation No.: **7077**

INTERVIEW SUMMARY
AND
CONDITIONAL RESPONSE TO OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is submitted in response to the telephone interview conducted on 13 July 2009 with Examiner Bayan Salone regarding the Office Action dated 14 April 2009. As discussed below, if necessary, this document is to be construed as also constituting a Response to the 14 April 2009 Office Action.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(C)
Date of Transmission: <u>13 August 2009</u>
I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office (USPTO) via the USPTO electronic filing system (EFS-Web) on the date shown above.
By: <u>/Brian E. Harris 48,383/</u> Brian E. Harris

REMARKS

INTERVIEW SUMMARY:

Applicants acknowledge with appreciation Examiner Bayan Salone granting an Examiner Interview on 13 July 2009 with Applicants' representative Brian Harris.

During the Examiner Interview, the 14 April 2009 Office Action ("Office Action") in the above-identified patent application was discussed. Specifically, Applicants' representative pointed out that the incorrect version of the claims were examined. Specifically, the claims were examined in the form in which they appeared prior to Article 34 Amendments made during the International Phase of the above-identified patent application, which is a national stage patent application. Instead, the claims should have been examined as amended under Article 34 during the International Phase. The Examiner agreed, and the Examiner stated that he would withdraw the Office Action, issue a Notice indicating that the Office Action has been withdrawn, and that no response to the Office Action would be necessary.

THIS DOCUMENT MAY BE CONSTRUED AS ALSO CONSTITUTING A RESPONSE TO THE 14 APRIL 2009 OFFICE ACTION:

Notwithstanding the statements made by the Examiner during the above-described telephone interview, in the event that a response to the Office Action is necessary despite the indication to the contrary by the Examiner, this document is to be construed as also constituting a Response to the 14 April 2009 Office Action, and Applicants respectfully point out that the Office Action fails to address the claims as previously amended and therefore should be withdrawn as agreed by the Examiner during the 13 July 2009 telephone interview.

CONCLUSION:

The undersigned hereby authorizes the Director to charge any fees that may be required, or credit any overpayments, to **Deposit Account No. 502806**.

Since this Interview Summary is being filed within one month of the interview date, no extension of time is believed to be necessary.

However, if an extension of time is needed for allowing this document to be timely filed as a Response to the 14 April 2009 Office Action, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) to the extent necessary. Any fee required for such Petition for Extension of Time should be charged to **Deposit Account No. 502806**.

Respectfully submitted,

13 August 2009
Date

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